IN THE CLAIMS:

Please Amend claims 1-2, 5-11, 19-23, Cancel claims 3 and 12 without prejudice or disclaimer, and Add new claims 25-28 as follows.

1. (Currently Amended) ~~A cellular communication system including at least one cell, said cell~~An apparatus comprising:

~~a coverage layer having a fixed coverage area provided by at least one carrier; and~~

a defining unit configured to define a capacity layer for a cell of a communications system, the cell comprising a coverage layer having a fixed coverage area provided by at least one carrier, the capacity layer comprising at least one carrier, each carrier in the capacity layer having a dynamically variable coverage area, wherein the number of carriers in the capacity layer is variable, to thereby dynamically vary the total capacity of the cell.

2. (Currently Amended) ~~A cellular communication system~~An apparatus according to claim 1, wherein a power level of a carrier in a downlink of the coverage layer defines the coverage area of said cell.

3-4. (Cancelled)

5. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 1, wherein a power level of at least one carrier of said at least one carrier in the capacity layer is variable.

6. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 1, wherein a total transmission power for a downlink is divided between the coverage layer and the capacity layer of said ~~at least one~~ cell in dependence on the coverage and capacity requirement of the system.

7. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 6, wherein power available for at least one of the coverage layer and the capacity layer is divided between carriers in the coverage layer and the capacity layer.

8. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 1, wherein the cellular communication system comprises a multi-carrier system.

9. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 1, wherein the cellular communication system comprises a single carrier system.

10. (Currently Amended) A method ~~of configuring a cellular communication system,~~ comprising:

~~determining a coverage layer for a cell, the coverage layer having a fixed coverage area provided by at least one carrier; and~~

~~determining~~ defining a capacity layer for ~~the~~ a cell of a communications system, the cell comprising a coverage layer having a fixed coverage area provided by at least one carrier, the capacity layer comprising at least one carrier, each carrier in the capacity layer having a dynamically variable coverage area, wherein the number of carriers in the capacity layer is variable, to thereby dynamically vary the total capacity of the cell.

11. (Currently Amended) A method according to claim 10, further comprising:

defining the coverage area of said cell based upon a power level of a carrier in the coverage layer.

12-13. (Cancelled)

14. (Previously Presented) A method according to claim 10, wherein the step of providing further comprises providing at least one carrier of said at least one carrier in the capacity layer having a power level in the capacity layer which is variable.

15. (Previously Presented) A method according to claim 10, further comprising:

dividing a total available power for a downlink between the coverage layer and the capacity layer in dependence on the coverage and capacity requirement of the system.

16. (Original) A method according to claim 15, further comprising:

adding a carrier in the capacity layer, the step of adding including selectively reducing a power of at least one carrier in the capacity layer.

17. (Original) A method according to claim 10, further comprising:

transferring a connection using a carrier in the capacity layer to a carrier in the coverage layer to increase coverage for said connection.

18. (Original) A method according to claim 10, further comprising:

transferring a connection using a carrier in the coverage layer to a carrier in the capacity layer to increase capacity of the cell.

19. (Currently Amended) An apparatus comprising:

~~A base station of a mobile communication system including~~ at least one transmitter ~~unit~~ configured to transmit a first carrier at a predetermined power level thereby defining a fixed coverage area of a cell of a communications system, and further configured to transmit a variable number of further carriers thereby defining, at least in part, a

dynamically variable total capacity of the cell, wherein each of the ~~variable number of~~further carriers has a dynamically variable coverage area-.

20. (Currently Amended) An apparatus~~A base station~~ according to claim 19, wherein power levels of the~~a variable number of~~further carriers depends upon a proximity of a mobile station associated with a carrier to a base station.

21. (Currently Amended) An apparatus ~~A base station~~ according to claim 20, wherein a total power of the ~~variable number of~~further carriers comprises a predetermined power, and

wherein a portion of said predetermined power among the ~~variable number of~~further carriers is determined by a total number of carriers.

22. (Currently Amended) An apparatus ~~A base station~~ according to claim 21, wherein the at least one ~~transmitting unit~~transmitter is further configured to reduce power allocated to at least one carrier in response to an increase in the ~~variable~~ number of further carriers.

23. (Currently Amended) An apparatus ~~A cellular communication system~~ according to claim 5, wherein the said power level is variable in dependence on a position of a mobile station.

24. (Previously Presented) A method according to claim 14, further comprising varying the power level of a carrier in the capacity layer in dependence on a position of a mobile station.

25. (New) An apparatus comprising:

means for defining a capacity layer for a cell of a communications system, the cell comprising a coverage layer having a fixed coverage area provided by at least one carrier, the capacity layer comprising at least one carrier, each carrier in the capacity layer having a dynamically variable coverage area, wherein the number of carriers in the capacity layer is variable, to thereby dynamically vary the total capacity of the cell.

26. (New) A computer readable medium having computer executable components comprising:

defining a capacity layer for a cell of a communications system, the cell comprising a coverage layer having a fixed coverage area provided by at least one carrier, the capacity layer comprising at least one carrier, each carrier in the capacity layer having a dynamically variable coverage area, wherein the number of carriers in the capacity layer is variable, to thereby dynamically vary the total capacity of the cell.

27. (New) An apparatus comprising:

means for transmitting a first carrier at a predetermined power level thereby defining a fixed coverage area of a cell of a communications system, and

means for transmitting a variable number of further carriers thereby defining, at least in part, a dynamically variable total capacity of the cell, wherein each of the further carriers has a dynamically variable coverage area.

28. (New) A cellular communication system including at least one cell, said cell comprising:

a coverage layer having a fixed coverage area provided by at least one carrier; and

a capacity layer comprising at least one carrier, each carrier in the capacity layer having a dynamically variable coverage area, wherein the number of carriers in the capacity layer is variable, to thereby dynamically vary the total capacity of the cell.